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HUMAN RIGHTS
COMMISSION

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Sexual Harassment and other Comments or Actions About a Person's Sex

*This booklet tells you
what to do if someone
sexually harasses you.*



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Sexual Harassment and Other Comments or Actions About a Person's Sex

PLEASE NOTE

This booklet does not provide legal advice or opinions. If you have any questions, you should contact the Ontario Human Rights Commission. Telephone numbers of our offices are at the end of this booklet.

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Sexual Harassment and Other Comments or Actions About a Person's Sex

PLEASE NOTE

This booklet was developed by the
National Commission on the Causes
and Prevention of Sexual Harassment
in the Workplace. It was prepared by the
National Commission on the Causes
and Prevention of Sexual Harassment
in the Workplace.

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What is Sexual Harassment?

Sexual harassment means that someone is bothering you by saying or doing unwanted or unwelcome things of a sexual nature. For example, someone:

- i) makes sexual remarks;
- ii) touches you;
- iii) makes jokes about women or men;
- iv) makes sexual requests or suggestions;
- v) stares at or makes unwelcome comments about your body;
- vi) displays pictures of nude people or writes insults on walls about women or men.

Sexual harassment does not have to be sexual. It can also mean that someone is bothering you because of your sex or gender and can happen just because you are a man or a woman.

Example: At every business meeting your boss tells you how pretty you look. You are the only woman there and his remarks do not make you feel as professional as the men on the staff.

Sexual harassment and other forms of harassment based on sex or gender happen mostly to women. Harassment can also happen to men or between members of the same sex.

These kinds of behaviour are wrong because they hurt people and make them uncomfortable. It can make living and working together very difficult. Stereotyping around gender characteristics is also a form of sexual harassment. **And sexual harassment is against the law in Ontario.**

The Ontario *Human Rights Code* (the “Code”) protects you from sexual harassment and other forms of harassment based on gender:

- i) at work
- ii) in housing
- iii) in unions
- iv) in trade or vocational associations

- v) in contracts
- vi) in the places that offer the services you use, such as restaurants, hotels and hospitals.

If you feel you have been sexually harassed by:

- i) your employer
- ii) another worker
- iii) your landlord
- iv) someone working for your landlord
- v) another person living in your building
- vi) someone giving you a service, such as a teacher, union representative or director of a community centre,

you should try to tell that person to stop or tell them that their behaviour is unwelcome. Speak to the person's boss or tell your union representative if it happens at work. Or you can complain directly to the Ontario Human Rights Commission.

The Ontario *Human Rights Code* identifies three kinds of sexual harassment

Sexual harassment may occur when:

1. Someone says or does things to you of a sexual nature which you do not welcome. This includes behaviour that a person **should know** you do not want or welcome.

Example: Your manager talks to you about sex all the time, or your hockey coach or driving instructor touches you in a way that you don't like. Or the librarian at the public library makes sexual jokes that offend you.

According to human rights law, when you show that you do not welcome or want the remarks or actions, the person must stop doing those things right away.

2. A person having authority or power over you denies you something like a promotion, or makes sexual suggestions or demands that you do not want or welcome.

Example: Your teacher, apartment manager, boss or social worker asks you for a kiss when he or she knows or should know you are not interested. Or another worker who is responsible for training you keeps telling you how good looking you are.

3. A person having authority or power denies you something important, punishes you or threatens to do something to you for refusing a sexual request.

Example: Your employer fires you (or threatens to fire you) because you refused to go out on a date with him or her. Or your teacher gives you a bad grade because you refused to have sex with him or her.

The *Code* also protects you from harassment because of your sex (gender)

This type of harassment could happen when someone makes sexual comments about you just because you are a woman or a man.

Example: A building manager tells a tenant that she looks like a “fat cow”, and makes rude sounds as she walks by. Or someone keeps teasing a co-worker by telling her or her co-workers that she is so “lady-like”.

These comments would probably make you or others working or living in that place feel uncomfortable.

Remember that the person harassing you is wrong. It is that person’s behaviour that must change, not yours.

What is a Poisoned Environment?

Sexual harassment or other forms of harassment because of a person's sex or gender can have a bad effect on, or **poison**, the places where you live, work or get a service.

Example: Someone puts up sexually offensive signs, pictures or cartoons in your workplace, apartment building or the public library. Or they write sexist insults on the walls. You might find it unpleasant to work or live in that place, or to use that service.

Even if the sexual comments or behaviour are not made directly to you or another employee, client or tenant, they can still **poison** the environment.

Example: A restaurant owner or a teacher makes rude comments about women. Even if those remarks are not directed at you or at a specific woman, they are still a type of discrimination and can **poison** the environment if you find them unpleasant.

How do you know if the environment is **poisoned** for you or others? One way is to look at the **effect** of negative comments or actions rather than the number of times they happen.

Example: A union representative says to other union members that women are not good leaders and should not be elected as union representatives. By saying it even once, the comment can **poison** the work environment because it can discourage women from trying for leadership positions.

Preventing Sexual Harassment and Other Forms of Harassment Based on Sex

People in authority, as well as companies and unions, have a responsibility to prevent sexual harassment or harassment based on gender or sex.

Sexual harassment and poisoned environment has a negative effect on morale and productivity in the workplace. People become stressed, take time off for sick leave, and if they quit because of the harassment, it can be expensive to hire and train a new employees.

If the person harassing you is your supervisor or boss, your company could also be held responsible. If another tenant or worker harasses you, your landlord or boss may also be held responsible. If the person in authority knew or should have known about the sexual harassment and could have stopped it but did not, then that person may be responsible.

Employers, landlords and other people in authority can prevent sexual harassment in many ways. They can:

- i) develop an easy understand policy on sexual harassment and other forms of harassment based on sex, and post it in places for everyone to see. They should give a copy of the policy to all new employees and new managers;
- ii) use company or tenant newsletters to make everyone aware of the policy on sexual harassment;
- iii) make information on the Ontario *Human Rights Code* available to all staff;
- iv) meet with all staff to discuss sexual harassment and how to prevent it or deal with it when it happens;
- v) work with unions to educate union officers, shop stewards and members about sexual harassment and what to do when it happens;

- vi) discuss the company's policy against sexual harassment at union or tenant meetings;
- vii) send a strong message to all employees, tenants, members or service users that sexual harassment and other forms of harassment based on sex will not be tolerated;
- viii) discipline anyone who sexually harasses or discriminates against another person because of her or his sex.

What Can You Do If You Are Sexually Harassed?

1. If possible, tell the person harassing you to stop. You can say:
 - ◆ "I don't want you to do that."
 - ◆ "Stop bothering me."
 - ◆ "That's not funny."
 - ◆ "Stop doing that."

Sometimes it is not possible, or you may be afraid, to tell the person to stop. We would not interpret your silence as proof that the harassment did not happen.

2. If another worker, tenant or client harasses you, you should complain to your supervisor, landlord or service provider.
3. If your supervisor harasses you, complain to someone in a higher position than your supervisor, such as a manager or the owner.
4. If you are a member of a union, tell your steward or representative.
5. Find out if your employer has a policy for dealing with harassment complaints and use it.

6. If someone such as your employer, landlord, teacher or a store owner harasses you and you do not know where to get help, contact us.
7. Write down the answers to the following questions as soon as possible after the harassment happened:
 - ◆ “What happened?”
 - ◆ “When did it happen?”
 - ◆ “Where did it happen?”
 - ◆ “Who saw what happened?”
 - ◆ “What did you do or say at that time?”

Keep your own careful records. You will find that this will be important later on.

It is a good idea to complain in writing. Include all the details and ask for a written response. Keep a copy of your complaint and any responses you get.

How Do You Make a Complaint to the Ontario Human Rights Commission?

It is against the law for people in authority such as your employer, landlord or teacher to punish or harass you for making a complaint with us. They cannot harass you for being a witness for someone else with a problem, or for helping the Commission investigate a complaint.

Example: It is illegal for your boss to fire you for making a human rights complaint. It is illegal for your apartment manager to refuse to make repairs to your apartment because you helped another person make a complaint to the Commission.

Where To File a Complaint

If you file a complaint about sexual harassment or harassment based on sex with us, you should file and sign the complaint forms within **six months** of when the harassment happened.

If you wait more than six months, the Commission has the right to decide not to deal with your complaint.

You can make your complaint at any office of the Ontario Human Rights Commission. Telephone our office to arrange for a visit, and tell us what happened. A staff person will explain to you how to file a complaint.

We will listen to what you have to say and if it is possible we will try to settle your complaint. If it does not settle, we may investigate your complaint. For more information about filing a complaint, ask for a copy of our publication, *If You Have a Human Rights Complaint*.

A complaint to the Commission is confidential. This information is not available to the public. However, we will send a copy of your complaint to the person you complained about. Also, if your complaint goes to the board of inquiry, it may be made public.

Where Can You Get Help and More Information?

For more information about the Ontario Human Rights Commission or this policy statement, please call 1-800 387-9080 (toll free) or in Toronto (416) 326-9511 (TTD (416) 314-4535), during regular office hours from Monday to Friday.

You can also visit our web site at **www.ohrc.on.ca**

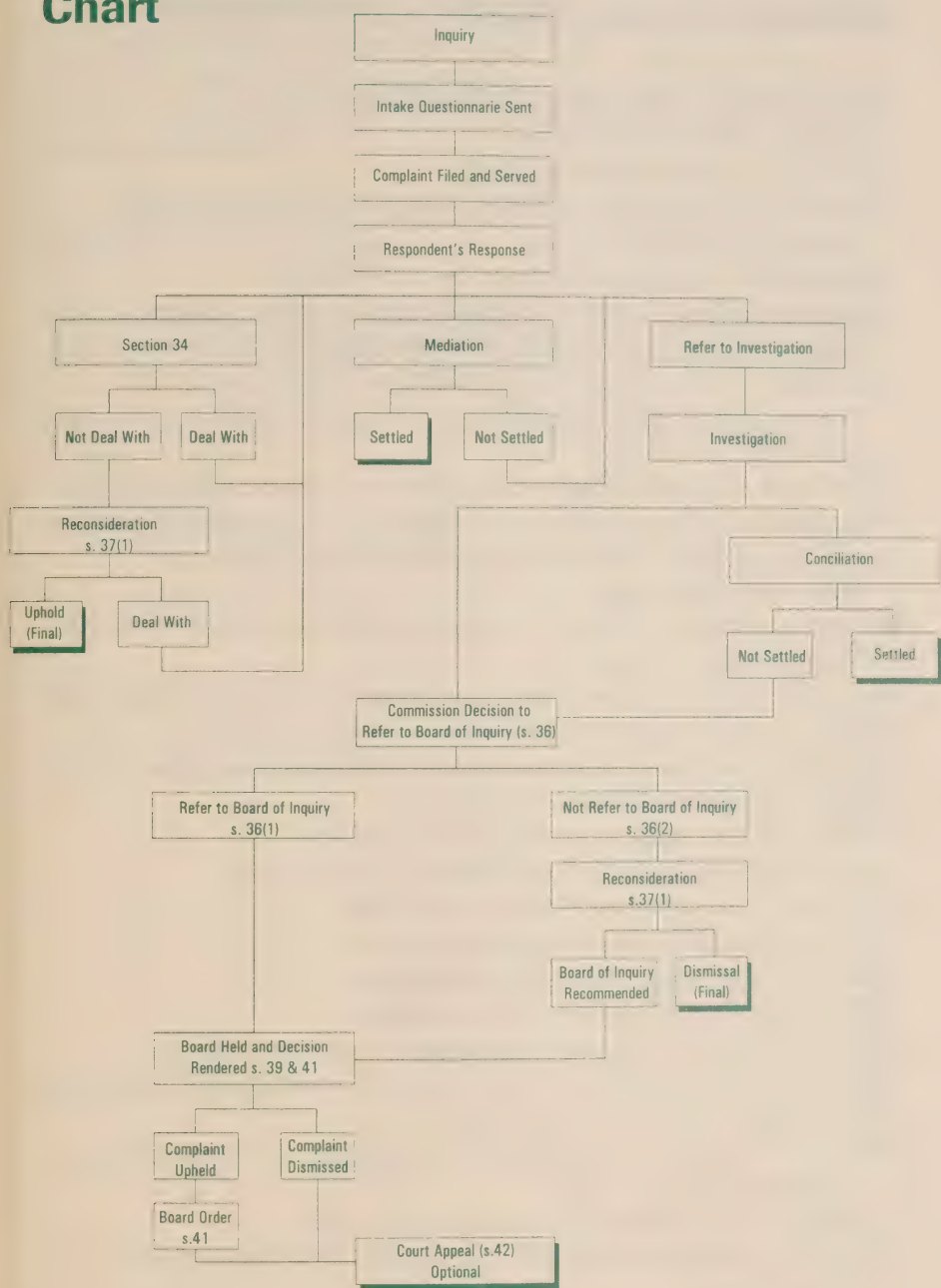
If a Human Rights Complaint is Made Against You

1. If the Commission receives a complaint against you, Commission staff will contact you to discuss the matter.
2. Commission staff will explain how the *Code* applies to the situation and how the complaint procedure works. Commission staff will work with you and the person making the complaint to try and resolve the concerns. The Commission also offers mediation services.
3. If the concerns cannot be resolved and mediation is not successful, the complaint may proceed to the investigation stage.
4. You can ask the Commission not to deal with the complaint under section 34 of the *Code* if:
 - a) another Ontario Law would be better suited to deal with the situation, such as the *Labour Relations Act*.
 - b) you believe that the person making the complaint has no reasonable basis to support a claim of discrimination, or that the complaint is in bad faith, or that a remedy has already been obtained by the complainant somewhere else;
 - c) the matter is outside the Commission's legal authority;
 - d) the person making the complaint waited longer than 6 months from the last incident of discrimination to file a complaint.
5. The Commission is neutral and does not take sides in the complaint. Commission Staff will assist you with questions about the complaint procedure. However, if you require legal representation or advice, please contact a lawyer.

If You Have a Human Rights Complaint

1. If you have a human rights complaint, you may contact the general inquiries line at 1-800-387-9080 or in Toronto at (416) 326-9511 from Monday to Friday during office hours. A Commission staff person will tell you if your concerns are covered by the Ontario *Human Rights Code* (the “Code”).
2. Commission staff will explain how the *Code* applies to your situation and how the complaint procedure works. Commission staff will work with you and the other party to resolve the concerns. The Commission also offers mediation services.
3. If you want the Commission to address your concerns, you should file a complaint within 6 months from the last incident of discrimination. This time limit is set out in section 34 of the *Code*.
4. “Filing a complaint” means that you have completed the Commission’s complaint form and provided all requested details. You must have signed, dated and returned the form to the Commission.
5. When you file a complaint, Commission staff will work with you and the person/company you have filed against, to try and resolve the complaint through mediation.
6. The Commission may consider not to deal with a complaint under section 34 if:
 - a) another Ontario Law would be better suited to deal with the situation, such as the *Labour Relations Act*.
 - b) you have no reasonable basis to support a claim of discrimination, or that you have made the complaint in bad faith, or that you have already obtained a remedy somewhere else;
 - c) the matter is outside the Commission’s legal authority;
 - d) you have waited longer than 6 months from the last incident of discrimination to file a complaint.
7. The Commission is neutral and does not take sides in the complaint. Commission Staff will assist you with questions about the complaint procedure. However, if you require legal advice, please contact a lawyer.

Case Flow Chart



Publications of the Ontario Human Rights Commission

Accommodation of Persons with Disabilities.

A Guide to Mediation Services

Declaration of Management Policy.

Developing Procedures to Resolve Human Rights Complaints
within your Organization.

Employment Application Forms and Interviews

Exceptions to the Equality Rights Provision of the Ontario
Human Rights Code, as they Relate to the Workplace.

Guidelines for Assessing Accommodation Requirements for
Persons with Disabilities.

Human Rights in Ontario.

If you have a Human Rights Complaint – a complainant's guide.

If you receive a Human Rights Complaint – a respondent's guide.

Know Your Rights – AIDS and AIDS-Related Illness and the
Human Rights Code.

Know Your Rights – Female Genital Mutilation and the Ontario
Human Rights Code.

Know Your Rights – Sexual Orientation and the Human Rights Code.

Ontario Human Rights Commission – Annual Report.

Policy on Creed and the Accommodation of Religious Observances.

Policy on Discrimination and Language.

Policy on Discrimination Because of Pregnancy.

Policy on Employment-Related Medical Information.

Policy on Female Genital Mutilation (FGM).

Policy on Guidelines on Special programs.

Policy on Height and Weight Requirements.

Policy on HIV/AIDS-Related Discrimination.

Policy on Racial Slurs and Harassment and Racial Jokes.

Policy on Requiring a Driver's Licence as a Condition of Employment.

Policy on Scholarships and Awards.

Policy on Sexual Harassment and Inappropriate Gender-Related
Comments and Conduct.

Racial Slurs and Harassment and Racial Jokes.

Sexual Harassment and Other Comments or Actions About
Person's Sex.

How to Get a Copy

You may call (416) 314-4500 with your order, fax your order to (416) 314-4561, send a request by mail, visit our offices, visit us on the Internet at <http://www.ohrc.on.ca> or visit a Publications Ontario bookstore.

The Ontario Human Rights Code may be purchased from Publications Ontario bookstores.

These publications may also be available in other formats such as audio tape, large print and IBM PC compatible computer disk.

Toutes les publications sont disponibles en français.

How to Reach Us at the Ontario Human Rights Commission

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Toll Free: 1-800-387-9080

TDD: Access Ontario 1-800-308-5561
for 416 and 905 exchanges: 1-800-309-1129

Web Site: <http://www.ohrc.on.ca>

E-Mail: policy@ohrc.on.ca

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Toronto, ON
M7A 2R9

Hamilton

119 King Street West, 11th Floor
Hamilton, ON
L8P 4Y7

Kingston

43 Beechgrove Lane
Kingston, ON
K7M 9A6

London

231 Dundas Street, Suite 303
London, ON
N6A 1H1

Ottawa

255 Albert Street, Suite 401
Ottawa, ON
K1P 6A9

Greater Toronto Region Investigation Office

180 Dundas St. West, 7th Floor
Toronto, ON
M7A 2R9

Sudbury

159 Cedar Street, Suite 206
Sudbury, ON
P3E 6A5

Thunder Bay

435 South James Street, Suite 337
Thunder Bay, ON
P7E 6E3

Timmins

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